## DISCUSSION

First, apology is extended for the complication regarding my spelling of "segment". It was one of those things that once missed never gets caught, until another glances at it.

The point about "~~lower-wavelength,~~ high energy extent" is handled by striking the language "lower wavelength", however, it is noted that via Energy = Plank's Constant x Frequency, and Wavelength = Speed of Light/Frequency, the terminology "lower wavelength and higher energy" are simply mathematically equivalent alternative ways of saying the same thing. The wavelength reference was included to insight, but is not necessary.

It is also noted that the terminology "approximates said imaginary part of said dielectric function~~,-and-via-Kramers-Kronig-(K-K)-consistency,-also-the-real-part-of-said-dielectric-function~~", is handled by deleting the recitation regarding the "real part". However, again, via the KK Integral Transform, the two are simply mathematically equivalent.

The Examiner's reliance on Herzinger et al. Patent 5,796,983, Col. 4 Line 60 to Col 5 Line 35 to obviate fitting segements is not understood. Nothing in the 983 Patent suggests that a plurality of equal length segments be defined and that <u>every</u> said segment have an oscillator stucture fit thereto. The 983 Patent teaches placing oscillator structures in data peak regions. The focus in the 983 Patent was on the defining a new Oscillator Structure. Claim 1 recites fiting <u>each</u> (and is amended to recite "and every" as supported by Figs. 8e and 8f), said segment in said spectroscopic range with an approximating

K-K consistent oscillator structure segment. It is believed that the Section 102 rejection is thus avoided. Claim 1 now also recites "equal length" segments, support for which is found in Fig. 8e. Further, while the Herzinger et al. 983 Patent arguably describes beginning and ending approximating oscillator structures at the start and end of segments, the segments are not defined as being of equal lengths. Claim 1 is amended to include that additional limitation. It is noted that nothing in the 983 Patent suggests that limitation and in fact if imposed would make practice of the 983 Patent defined methodology difficult.

Also, support for the defining of "n" as an integer is found in Figs. 8a - 8k, where an integer number of segments are shown.

Finally, the Examiner is thanked for a well formulated and catagorized Office Action. While it required a lot of work to tend to the many points raised by the Examiner, Attorney Welch felt most were relevant, beneficial, and that tending thereto makes the Application more clear.

It is now believed that the Pending Claims 1 - 41 are in order for Allowance, and the Examiner is respectfully requested to provide the Notice of Allowance and Issue Fee Due. Should problems remain, Applicant and Attorney Welch are receptive to Examiner suggestion and/or Amendment.

Sincerely,

JAMES D. WELCH

JW/hs

ENC. Replacement Drawing Sheets

## IN THE DRAWINGS

The Examiner has correctly identifed that Figures 1-4e, 5 and 6 should be labeled as Prior Art. Please find enclosed revised Sheets labeled as Replacement Sheets, in an Attachment hereto. The Examiner is requested to approve the changes, which, in all cases, involve nothing more than the adding of the indication of "Prior Art". As this is a simple change, Marked-up in Red versions are not included.